



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 11 2014

Christopher J. Woodward  
Susan E. Woodward  
Woodward Outdoor Equipment  
226 W. Main Street  
Middletown, DE 19709

RE: MUR 6665

Dear Mr. and Mrs. Woodward:

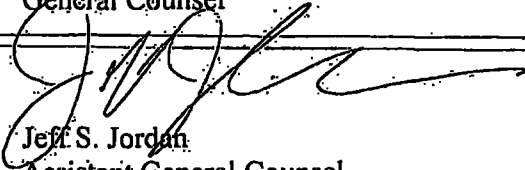
On October 17, 2012, the Federal Election Commission notified Woodward Outdoor Equipment of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On December 8, 2014, based upon information contained in the complaint, and information you provided, the Commission decided to dismiss the complaint, and close its file in this matter. Accordingly, the Commission closed its file in this matter on December 8, 2014.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

General Counsel

BY:   
Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination and  
Legal Administration

Enclosure  
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Woodward Outdoor Equipment

MUR 6665

I. INTRODUCTION

This matter was generated by a Complaint alleging a violation of the Federal Election Campaign Act of 1971, as amended (the "Act")<sup>1</sup> and Commission regulations by Respondent Woodward Outdoor Equipment. After reviewing the record, the Commission dismisses the allegation.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The Complaint alleges that Alex Pires for U.S. Senate (the "Committee") held a one-hour campaign event on June 11, 2012 at Woodward Outdoor Equipment, a corporation. Compl. at 2; *see also id.*, Ex. A (news release announcing the event). In their Response, Christopher J. Woodward and Susan E. Woodward, the owners of Woodward Outdoor Equipment, explain that they were unaware "that allowing someone to use [their company's] parking area" could result in a violation of the Act. Woodward Resp. at 1. They state that they simply acceded to the Pires campaign's request to hold a "Meet and Greet" on their property. *Id.* Furthermore, the available information suggests that fewer than ten members of the public attended the event.

B. Legal Analysis

The Act and Commission regulations define "contribution" as any "gift, subscription, loan

<sup>1</sup> On September 1, 2014, the Act was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

1 ... or anything of value made by any person for the purpose of influencing any election for Federal  
2 office." 52 U.S.C. § 30101(8)(A)(i) (formerly 2 U.S.C. § 431(8)(A)(i)); *see also* 11 C.F.R.  
3 § 100.52(a). "Anything of value" includes all in-kind contributions, including the provision of  
4 goods or services without charge or at a charge that is less than the usual and normal charge.  
5 11 C.F.R. § 100.52(d)(1).

6 The Act and Commission regulations prohibit corporations from making contributions in  
7 connection with federal elections, and further prohibit candidates and their campaign committees  
8 from knowingly accepting or receiving corporate contributions. 52 U.S.C. § 30118(a) (formerly  
9 2 U.S.C. § 441b(a)); *see also* 11 C.F.R. § 114.2. This prohibition extends to a campaign's  
10 unreimbursed use of a corporation's facilities, with limited exceptions pertaining to volunteer  
11 activity at 11 C.F.R. § 114.9(a). Any person who uses a corporation's facilities for activity in  
12 connection with a Federal election is required to reimburse the corporation within a commercially  
13 reasonable time in the amount of the normal and usual rental charge. 11 C.F.R. § 114.9(d).

14 The Woodwards suggest that Woodward Outdoor Equipment was not reimbursed for the use  
15 of its facility. Woodward Resp. at 1. Therefore, Woodward Outdoor Equipment may have made an  
16 in-kind corporate contribution to the Committee for the Committee's use of the corporation's  
17 parking area. *Id.* However, based on the location and small number of persons who purportedly  
18 attended, any potential corporate contribution resulting from this one-hour event was likely

19 *de minimis*. Therefore, the Commission exercises its prosecutorial discretion and dismisses the  
20 allegation that Woodward Outdoor Equipment violated 52 U.S.C. § 30118(a) (formerly 2 U.S.C.  
21 § 441b(a)) and 11 C.F.R. § 114.2. *See Heckler v. Chaney*, 470 U.S. 821 (1985).